

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Armando Martinez,

Civil No. 06-3024 (DWF/SRN)

Petitioner,

v.

ORDER

Warden R. L. Morrison,

Respondent.

Armando Martinez, *Pro Se*, Petitioner.

Thomas M. Hollenhorst, Assistant United States Attorney, United States Attorney's Office,
counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated September 12, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner's Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED AS MOOT**, in part, in light of the BOP's policy change of assigning prisoners to CCCs without regard to 28 C.F.R. §§ 570.20 and 570.21; and **DENIED**, in part, to the extent that it seeks immediate transfer to a CCC.

2. Petitioner's petition is **DISMISSED**.

Dated: October 10, 2006

s/Donovan W. Frank

DONOVAN W. FRANK

Judge of United States District Court